

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

In Re: Shannen Marie Noark and Brian Clark Smith

Case No. 05-49174

United States District Court
Southern District of Texas
FILED

Debtor(s).

MAY 13 2011

Application for Payment of Unclaimed Funds
and Certificate of Service

David J. Bradley, Clerk of Court

1. I am making application to receive \$ 2,005.70, which was deposited as unclaimed funds on behalf of MBNA (name of original creditor/debtor).
2. Applicant is entitled to receive the requested funds, has made sufficient inquiry and has no knowledge that any other party may be entitled to, and is not aware of any dispute regarding the funds at issued based upon the following (check the statement(s) that apply):
 - a. Applicant is the creditor/debtor named in paragraph 1, and the owner of the funds appearing on the records of this Court, as evidenced by the attached documents.
 - XXXX b. Applicant is the attorney in fact for the creditor/debtor named in paragraph 1, with authority to receive such funds, or who is authorized by the attached original Power of Attorney (applicant is an agent of American Property Locators, Inc. as indicated in attached certificate) to file this application on behalf of the creditor/debtor.
 - c. Applicant is the assignee or successor-in-interest of the creditor/debtor named in paragraph 1, or the representative of the assignee or successor-in-interest, as evidenced by the attached documents establishing chain of ownership and/or assignment.
 - d. Applicant is a duly authorized corporate officer (if a corporation) or a general partner (if a partnership) and a representative of the creditor/debtor named in paragraph 1.
 - e. Applicant is the representative of the estate of the deceased creditor/debtor named in paragraph 1, as evidenced by the attached certified copies of death certificate and other appropriate probate documents substantiating applicant's right to act on behalf of the decedent's estate.
 - f. None of the above apply. As evidenced by the attached documents, applicant is entitled to these unclaimed funds because:

3. I understand that pursuant to 18 U.S.C. ' 152, I could be fined no more that \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document or accompanying supporting documents. I further understand that any indications of fraud detected by the Court will be turned over to the U.S. Attorney for possible prosecution.

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing statements and information are true and correct.

Dated: 5/11/11

Applicant's Signature

Applicant's Name

Address

Phone:

J. Armstrong Duffield, agent for American

Property Locators, Inc.

3855 S. Boulevard, S-200

Edmond, OK 73013

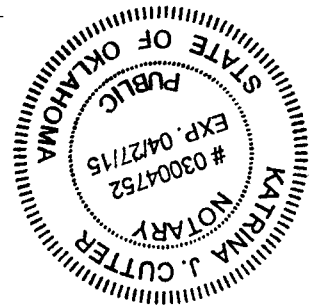
(405) 341-9001

Subscribed and sworn before me this 11 May 2011.

Notary Public

State of Oklahoma

My commission expires 4/27/2015



- Attachments:
1. Trustee's Pay-in
 2. LPOA with Bus Card , Photo ID
 3. Certificate of Authority to Act
 4. W-9
 5. Merger documentation

Certificate of Service

I certify that on 5/11/11 (date), a true and correct copy of this application for payment of unclaimed funds was served by first class United States Mail on the following:

U.S. Attorney
P.O. Box 61129
Houston, TX 77208

U.S. Trustee
515 Rusk Ave., Ste.3516
Houston, TX 77002

Service completed- J Armstrong Duffield

J. Armstrong Duffield

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I,

Karen Hartford Polk, Assistant Vice President of Bank of America Corporation ("Bank of America"), acting on behalf of Bank of America hereby appoint J. Armstrong Duffield of American Property Locators, Inc., in the person of one of its principal officers, as Bank of America's lawful attorney-in-fact to seek recovery of the undistributed, unclaimed, or undelivered tenders of funds of:

MBNA in the amount of \$2,005.70

held by the United States, by a state, or by an agency or instrumentality of either, hereby revoking all previous powers of attorney in this regard to whomever granted.

Bank of America further grants the attorney authority to do whatever is necessary and proper to recover the aforementioned unclaimed funds only, as fully as it might or could do if acting through its own officers or agents, hereby confirming all that the attorney shall lawfully do or cause to be done. Nevertheless, the attorney shall have no authority to incur any financial obligation or to make any expenditure on behalf of Bank of America, other than an expenditure payable from any sums recovered by virtue of the attorney's actions.

In construing this instrument where the context so requires, the singular includes the plural. This Power of Attorney shall expire 180 days from the date hereof or upon collection of the aforementioned unclaimed funds, if earlier, unless otherwise extended by an amendment which is attached hereto.

Signed this 21 day of March, 2011

Bank of America Corporation

Karen Hartford Polk
Karen Hartford-Polk
Assistant Vice President

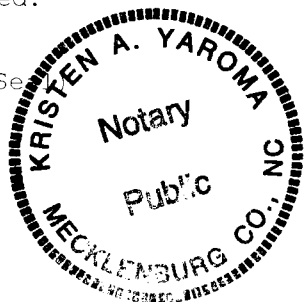
MDNA,

Federal Taxpayer ID
94-1687665

State of North Carolina County of Mecklenburg Date: March 21, 2011.

The above-named Karen Hartford Polk, known to me to be the individual described in [and holding the position designated in] the foregoing instrument, appeared before me and acknowledged the execution thereof to be his/her free act and deed.

(Notary Seal)



Before me:

Kristen A. Yaroma
Notary Public

My commission expires:

3/28/2014

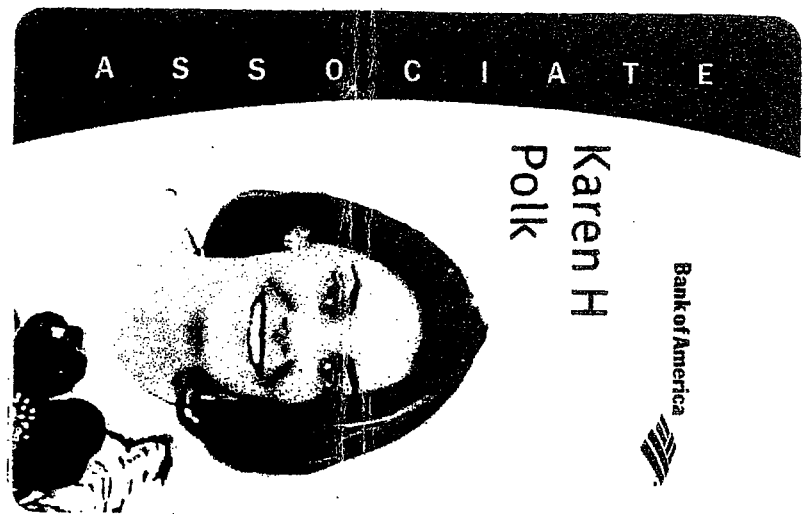
Bank of America



Karen Hartford Polk
Assistant Vice President
Recovery Solutions
Recovery Officer

Tel: 704.387.5985 · Fax: 980.233.7721
karen.a.hartford@bankofamerica.com

Bank of America, NC1-021-03-40
525 North Tryon Street, Charlotte, NC
401



BANK OF AMERICA CORPORATION

CERTIFICATE OF ASSISTANT SECRETARY

The undersigned, Allison L. Gilliam, an Assistant Secretary of Bank of America Corporation, a Delaware corporation (herein the "Corporation"), does hereby certify that:

1. The following person has been duly elected or appointed and has duly qualified as an officer of the Corporation and she holds the office set forth opposite her name:

Name

Title

Karen Hartford Polk

Assistant Vice President

2. The following is a true and complete copy of Article IX, Section 1 of the Bylaws of said Corporation and the same is in full force and effect as of the date hereof:

Section 1. **Execution of Instruments.** All agreements, indentures, mortgages, deeds, conveyances, transfers, contracts, checks, notes, drafts, loan documents, letters of credit, master agreements, swap agreements, guarantees, certificates, declarations, receipts, discharges, releases, satisfactions, settlements, petitions, schedules, accounts, affidavits, bonds, undertakings, proxies and other instruments or documents may be signed, executed, acknowledged, verified, attested, delivered or accepted on behalf of the Corporation by the Chairman of the Board, the Chief Executive Officer, the President, any Vice Chairman, any Division President, any Managing Director, any Vice President, any Assistant Vice President, or any individual who is listed on the Corporation's Officer's payroll file in a position equal to any of the aforementioned officer positions, or such other officers, employees or agents as the Board of Directors or any of such designated officers or individuals may direct. The provisions of this Section 1 are supplementary to any other provision of these Bylaws and shall not be construed to authorize execution of instruments otherwise dictated by law.

IN WITNESS WHEREOF, I have hereupon set my hand and affixed the seal of the Corporation this 7th day of September, 2010.

(CORPORATE SEAL)

Allison L. Gilliam

Allison L. Gilliam

Assistant Secretary

Form W-9 (Rev. October 2007) Department of the Treasury Internal Revenue Service	Request for Taxpayer Identification Number and Certification	Give form to the requester. Do not send to the IRS.
--	---	---

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Bank of America, N.A.	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual (sole proprietor) <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership): _____ <input type="checkbox"/> Other (see instructions) ▶	<input type="checkbox"/> Exempt payee
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
401 North Tryon Street NC1-021-03-40		
City, state, and ZIP code		
Charlotte, NC 28255		
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	
94	1687565

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶ <i>[Handwritten Signature]</i>	Date ▶ 3/14/2011
------------------	---	------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien.
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States.
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

Case No. 05-49174-H5-7

SHANNEN NOARK & BRIAN SMITH

Chapter 7

Debtor(s).

APPLICATION TO PAY FUNDS INTO
THE REGISTRY UNDER 11 U.S.C. §347 (a)

The undersigned trustee reports:

___ The dividend(s) payable to the creditor(s) listed on Exhibit "A" hereto is(are) in an amount less than the amount specified in Bankruptcy Rule 3010.

X More than ninety (90) days have passed since the return of minimal funds to Debtor, and the dividend(s) payable to the Debtor listed on Exhibit "A" hereto remain unclaimed.

Pursuant to Bankruptcy 3010 or 3011, as applicable, and 11 U.S.C. 347(a), the undersigned trustee requests authorization to pay small and/or unclaimed dividends in the total amount shown on said Exhibit "A" for deposit into the United States Treasury, pursuant to Chapter 129 of Title 28 (28 U.S.C. 2041, *et seq*).

Dated 04/22/10

/s/ Ronald J. Sommers
Ronald J. Sommers
2800 POST OAK BLVD 61st Floor
Houston TX 77056

CERTIFICATE OF SERVICE

I, Ronald J. Sommers, hereby certify that a true and correct copy of this Motion to Pay Funds into the Registry Under 11 U.S.C. § 374 (A) has been delivered via electronic transmission (ECF) to the U. S. Trustee, at 515 Rusk Avenue, Suite 3516, Houston, Texas 77002 via electronic transmission (ECF), on this 22nd day of April, 2010.

/ Ronald J. Sommers
Ronald J. Sommers

EXHIBIT "A"

Please check one:

☐ Small Dividends☒ Unclaimed Dividends

Name & Address	Claim No.	Amount
MDNA, TRUE LOGIC FINANCIAL CORP. POB 4238 ENGLEWOOD, CO 80155-4238	6	2,005.70
CITIBANK CHOICE POB 6305 THE LAKES, NV 88901-4238	9	291.20
CITIBANK CHOICE POB 6305 THE LAKES, NV 88901-6305	7	258.83
TOTAL:		\$2,555.73

22:22 22:22

PO BOX 4437
ENGLEWOOD CO 80155-4437

RETURN SERVICE REQUESTED

March 16, 2006

NOARK, SHANNEN M
1502 TABOR ST
HOUSTON, TX 77009



True
FINANCIAL CORPORATION
Toll Free Tele: (866) 488-4299

TrueLogic Financial Corporation
PO BOX 4387
ENGLEWOOD CO 80155-4387

ACCOUNT DETAIL	
Creditor	MBNA
Present Owner	MILE ROCK HOLDINGS, LLC
Your Account Number	5329061455111851
Client Reference Number	1085114
Balance Due	\$20,396.08

* Enclose the top portion of this notice with your payment and returning it in the enclosed envelope will expedite credit to your account *

*** ACCOUNT STATEMENT ***

RETAIN FOR YOUR RECORDS	
Creditor:	MBNA
Present Owner:	MILE ROCK HOLDINGS, LLC
Your Account Number:	5329061455111851
Client Reference Number:	1085114
Balance Due:	\$20,396.08

This is a statement of your past due account that has been assigned to TrueLogic Financial Corporation for collection. If remitting payment please include the payment stub above and be sure your account number appears on your check or money order. All contacts and payments are to be made through this office to ensure proper posting.

If you are unable to pay this amount in full please contact our office at the number listed above. We are willing to make payment arrangements to resolve the outstanding balance.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

Make your check or money order payable to the Name and Address listed above.

Please see the back of this letter for IMPORTANT Consumer NOTIFICATION

ENCLOSURE

TrueLogic Financial Corporation * 10000 E. Geddes Ave Suite 100 * Englewood CO 80112 * Toll Free Tele: (866) 488-4299

Back to Search Bank Find

History of Mbna (dover) Bank, Dover, Delaware (FDIC Cert: 23885)

Note: This institution is currently part of Bank of America, National Association, Charlotte, North Carolina (FDIC Cert: 3510)

	Date	Event
1	6/11/1982	Institution established. Original name: Equitable Bank Of Delaware, National Association (<u>23885</u>)
2	12/21/1984	Changed name to Equitable Bank Of Delaware (<u>23885</u>) .
3	3/28/1990	Changed name to Mbna (dover) Bank (<u>23885</u>) .
4	1/29/1991	Merged into and subsequently operated as part of Central Atlantic Bank, National Association in Newark, Delaware (<u>23761</u>)
5	12/31/1991	Changed name to Maryland National Bank (<u>23761</u>) .
6	12/31/1991	Moved bank headquarters from Dover, Delaware to Baltimore, Maryland.
7	12/31/1991	Moved bank headquarters from Dover, Delaware to Baltimore, Maryland.
8	12/31/1991	Changed trust powers from Trust Powers Not Granted to Full Trust Powers Granted.
9	12/31/1991	Acquired Maryland National Bank (<u>4823</u>) in Baltimore, Maryland.
10	2/4/1994	Acquired American Security Bank, National Association (<u>804</u>) in Silver Spring, Maryland.
11	4/29/1994	Merged into and subsequently operated as part of NationsBank, National Association in Bethesda, Maryland (<u>12883</u>)
12	4/29/1994	Acquired Nationsbank Of Dc, National Association (<u>18603</u>) in Washington, District Of Columbia.
13	3/8/1995	Merged into and subsequently operated as part of NationsBank, National Association in Richmond, Virginia (<u>6886</u>)
14	3/8/1995	Moved bank headquarters from Baltimore, Maryland to Mclean, Virginia.
15	9/29/1995	Merged into and subsequently operated as part of NationsBank, National Association in Charlotte, North Carolina (<u>15802</u>)
16	4/15/1996	Acquired Nationsbank Trust Company, National Association (<u>27412</u>) in Washington, District Of Columbia.
17	6/1/1997	Acquired Nationsbank, National Association (south) (<u>2155</u>) in Atlanta, Georgia.
18	6/11/1997	Acquired Boatmen's Bank Of Vandalia (<u>13961</u>) in Vandalia, Missouri.
19	6/13/1997	Acquired Boatmen's Bank Of Southwest Missouri (<u>1152</u>) in Carthage, Missouri.
20	6/13/1997	Acquired Boatmen's Bank Of Kennett (<u>1630</u>) in Kennett, Missouri.
21	6/13/1997	Acquired The Boatmen's National Bank Of St. Louis (<u>3764</u>) in St. Louis, Missouri.
22	6/13/1997	Acquired Boatmen's National Bank Of Central Illinois (<u>3803</u>) in Hillsboro, Illinois.
23	6/13/1997	Acquired Boatmen's National Bank Of Cape Girardeau (<u>4529</u>) in Cape Girardeau, Missouri.
24	6/13/1997	Acquired Boatmen's National Bank Of Lebanon (<u>4545</u>) in Lebanon, Missouri.
25	6/13/1997	Acquired Boatmen's First National Bank Of West Plains (<u>4577</u>) in West Plains, Missouri.
26	6/13/1997	Acquired Boatmen's Bank Of Mid-missouri (<u>8882</u>) in Columbia, Missouri.
27	6/13/1997	Acquired Boatmen's River Valley Bank (<u>9381</u>) in Lexington, Missouri.
28	6/13/1997	Acquired Boatmen's Bank Of Marshall (<u>11467</u>) in Marshall, Missouri.
29	6/13/1997	Acquired Boatmen's Bank Of Quincy (<u>11701</u>) in Quincy, Illinois.
30	6/13/1997	Acquired Boatmen's Bank Of South Central Illinois (<u>11738</u>) in Mount Vernon, Illinois.
31	6/13/1997	Acquired Boatmen's Bank Of Rolla (<u>12210</u>) in Rolla, Missouri.
32	6/13/1997	Acquired Boatmen's Bank Of Pulaski County (<u>13184</u>) in Richland, Missouri.
33	6/13/1997	Acquired Boatmen's National Bank Of Coles County (<u>13969</u>) in Charleston, Illinois.
34	6/13/1997	Acquired Boatmen's Bank Of Troy (<u>15265</u>) in Troy, Missouri.

35 6/13/1997 Acquired Boatmen's Bank Of Franklin County (15517) in Benton, Illinois.

36 6/13/1997 Acquired Boatmen's Osage Bank (16266) in Butler, Missouri.

37 6/13/1997 Acquired Boatmen's National Bank Of Boonville (16466) in Boonville, Missouri.

38 6/13/1997 Acquired Nationsbank, National Association (mid-west) (19362) in Kansas City, Missouri.

39 7/11/1997 Acquired Boatmen's Bank Of Southern Missouri (17901) in Springfield, Missouri.

40 7/11/1997 Acquired Boatmen's National Bank Of Oklahoma (25270) in Tulsa, Oklahoma.

41 8/15/1997 Acquired Boatmen's National Bank Of Arkansas (1032) in Little Rock, Arkansas.

42 8/15/1997 Acquired Sunwest Bank Of Albuquerque, National Association (2234) in Albuquerque, New Mexico.

43 8/15/1997 Acquired Boatmen's National Bank Of South Arkansas (14223) in Camden, Arkansas.

44 8/15/1997 Acquired Boatmen's National Bank Of Newark (16203) in Newark, Arkansas.

45 8/15/1997 Acquired Boatmen's Bank Iowa, National Association (18064) in Des Moines, Iowa.

46 9/19/1997 Acquired Boatmen's Trust Company Of Kansas (26721) in Prairie Village, Kansas.

47 1/15/1998 Acquired Sun World, National Association (32465) in Santa Teresa, New Mexico.

48 1/23/1998 Acquired Boatmen's Trust Company Of Illinois (33567) in Belleville, Illinois.

49 3/13/1998 Acquired Boatmen's Trust Company Of St. Louis (90329) in St. Louis, Missouri.

50 3/13/1998 Acquired Boatmen's Trust Company, An Oklahoma Trust Company (33877) in Oklahoma City, Oklahoma.

51 3/28/1998 Acquired Boatmen's Trust Company Of Arkansas (33454) in Little Rock, Arkansas.

52 5/6/1998 Acquired Nationsbank Of Texas, National Association (27306) in Dallas, Texas.

53 7/9/1998 Acquired Sunwest Bank Of El Paso, National Association (19197) in El Paso, Texas.

54 7/9/1998 Acquired Boatmen's National Bank Of Austin (27321) in Austin, Texas.

55 8/6/1998 Acquired Nationsbank, National Association (glenn County) (29253) in Brunswick, Georgia.

56 10/8/1998 Acquired Barnett Bank, National Association (3566) in Jacksonville, Florida.

57 10/8/1998 Acquired Community Bank Of The Islands (27164) in Sanibel, Florida.

58 11/12/1998 Acquired Nationsbank Of Tennessee, National Association (10313) in Nashville, Tennessee.

59 4/8/1999 Acquired Bank Of America Texas, National Association (33404) in Irving, Texas.

60 4/8/1999 Reorganized.

61 7/5/1999 Changed name to **Bank Of America, National Association (15802)**.

62 7/23/1999 **Merged into and subsequently operated as part of Bank of America, National Association in Charlotte, North Carolina (3510)**

63 12/1/1999 Acquired Bank Of America Utah, National Association (9575) in Salt Lake City, Utah.

64 5/31/2001 Acquired Nationsbank Trust Company Of New York (33937) in New York, New York.

65 6/13/2005 Acquired Fleet National Bank (2558) in Providence, Rhode Island.

66 9/22/2006 Acquired Mbna America Delaware, National Association (34680) in Wilmington, Delaware.

67 2/22/2008 Acquired United States Trust Company , National Association (34061) in New York, New York.

68 6/30/2008 Acquired Bank Of America Georgia, National Association (57117) in Atlanta, Georgia.

69 10/17/2008 Acquired Lasalle Bank National Association (15407) in Chicago, Illinois.

70 10/17/2008 Acquired Lasalle Bank Midwest National Association (22488) in Troy, Michigan.

71 1/16/2009 Maintained operations with government open bank assistance.

72 4/27/2009 Acquired Countrywide Bank, Fsb (33143) in Centennial, Colorado.

73 7/1/2009 Acquired Merrill Lynch Bank Usa (27374) in Salt Lake City, Utah.

74 11/2/2009 Acquired Merrill Lynch Bank & Trust Co., Fsb (34571) in New York, New York.